

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

GARY BLACKWELL,)
)
Plaintiff,) Case No. 1:09CV00066
)
v.) **JUDGMENT**
)
COMMISSIONER OF) By: James P. Jones
SOCIAL SECURITY,) United States District Judge
)
Defendant.)

It appearing that no objections have been timely filed to the Report filed November 12, 2010, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
2. The motions for summary judgment by the parties are DENIED;
3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: December 8, 2010

s/ JAMES P. JONES
United States District Judge